

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 25, 2017

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Christobal Miguel Rios Case Number: 0980 2:13CR02059-RHW-1

Address of Offender: Othello, Washington 99344

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: October 1, 2013

Original Offense: Felon in Possession of Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison 60 months; TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: October 4, 2016

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: October 3, 2019

PETITIONING THE COURT

To incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court on 05/16/2017.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

4 **Special Condition # 22:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The defendant is considered to be in violation of his supervised release by using a controlled substance, marijuana (THC), on or prior to May 4 and May 8, 2017.

On October 6, 2016, the defendant signed his Judgement of Sentence noting he understood he was not to use controlled substances. He also signed his Treatment Services Contract Plan, which instructed him how to report on a random phone basis for drug testing.

On May 4, 2017, a random urinalysis test was obtained at the probation office in Richland. The sample returned presumptive positive for THC. The defendant denied any use and the sample was forwarded for confirmation.

Re: Rios, Christobal Miguel

May 22, 2017

Page 2

On May 8, 2017, the defendant reported for a random drug test at Grant County Prevention and Recovery Center in Moses Lake after his color was called. The sample returned presumptive positive for THC and was forwarded for confirmation.

Each sample noted above was confirmed positive for the presence of THC. A request was made to Alere, who had confirmed each sample as to the specific level of THC in each sample. The defendant had a prior positive sample on April 19, 2017, which tested at a level of 46 ng/mL, to compare with the May 4th and May 8th samples. It was confirmed that the May 4, 2017, sample THC level was 1245 ng/mL higher than the April 19, 2017, THC sample. The increase would confirm ongoing use. The May 8, 2017, THC sample was then compared to the May 4, 2017, THC sample. Again the THC sample increased by 444 ng/mL, indicating additional use.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: 05/22/2017

David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

5/25/2017

Date